

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

2010 FEB -3 A 11:35

Yasment Wallace,

Plaintiff,

vs.

Platt's Heating and Air Conditioning
Co., Inc.,

Defendant.

C/A No. 2:08-3679-MBS

ORDER

Plaintiff Yasment Wallace brings this action against his former employer, Defendant Platt's Heating and Air Conditioning Co., Inc. Plaintiff alleges that he was subjected to harassment and a hostile work environment (First Cause of Action), retaliation (Second Cause of Action), and termination (Third Cause of Action), all in violation of Title VII, 42 U.S.C. §§ 2000e et seq.

This matter is before the court on Defendant's motion for summary judgment, which motion was filed September 28, 2009 (Entry 29). Plaintiff filed a response to Defendant's motion on October 29, 2009. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for a Report and Recommendation. On January 12, 2010, the Magistrate Judge issued a Report and Recommendation in which recommended that Defendant's motion be granted as to Plaintiff's termination claim and denied as to Plaintiff's hostile work environment and retaliation claims. No party filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons stated therein, Defendant's motion for summary judgment (Entry 29) is **granted** as to Plaintiff's termination claim (Third Cause of Action). Defendant's motion is **denied** as to Plaintiff's hostile work environment and retaliation claims (First and Second Causes of Action). The parties will be notified when the case is placed on the court's trial roster.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

February 2, 2010.